

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ROY S. BUNDY,

Plaintiff,

v.

ORDER  
09-CV-702

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. §636(b)(1), on October 15, 2009. On March 12, 2010, defendant filed a motion for judgment on the pleadings and on May 13, 2010 plaintiff filed a motion for judgment on the pleadings. On September 8, 2010, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion should be granted and that plaintiff's motion should be denied.

Plaintiff filed objections to the Report and Recommendation on September 21, 2010 and the government filed a response thereto.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion for judgment on the pleadings is granted and plaintiff's motion for judgment on the pleadings is denied. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: November 19, 2010